

## Declaration for Patent Application

# COPY

Docket Number: 1522.0030004MAC/BJD

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled: Compositions and Methods for Non-targeted Activation of Endogenous Genes, the specification of which is attached hereto unless the following box is checked:

- ☒ was filed on March 26, 1999;  
as United States Application Number or PCT International Application Number 09/276,820; and  
was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)			Priority Claimed
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
(Application No.)	(Country)	(Day/Month/Year Filed)	
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
(Application No.)	(Country)	(Day/Month/Year Filed)	

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

_____	_____
(Application No.)	(Filing Date)
_____	_____
(Application No.)	(Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>09/263,814</u>	<u>March 8, 1999</u>	<u>Pending</u>
(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)
<u>09/253,022</u>	<u>February 19, 1999</u>	<u>Pending</u>
(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)
<u>09/159,643</u>	<u>September 24, 1998</u>	<u>Abandoned</u>
(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)
<u>08/941,223</u>	<u>September 26, 1997</u>	<u>Abandoned</u>
(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)

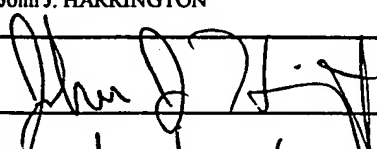
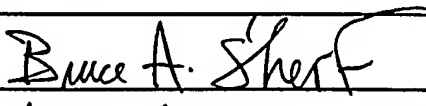
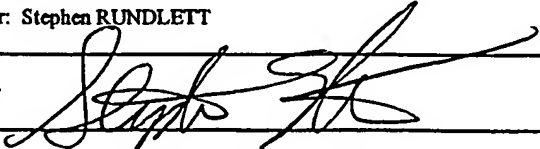
Send Correspondence to:

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
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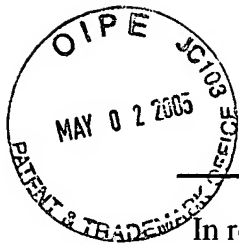
Direct Telephone Calls to:

(202) 371-2600

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: John J. HARRINGTON	
Signature of sole or first inventor	 7/1/99 Date
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Signature of second inventor	 7/1/99 Date
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Citizenship	USA
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Signature of third inventor	 7/1/99 Date
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Citizenship	USA 70
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(Supply similar information and signature for subsequent joint inventors, if any)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: John J. Harrington, *et al.*

Serial No.: 09/513,575

Filed: February 25, 2000

For: COMPOSITIONS AND METHODS FOR NON-TARGETED ACTIVATION OF ENDOGENOUS GENES

Attorney Docket No.: ATX-007CP4DV13  
(formerly 5817-7M)

Group Art Unit: 1632

Examiner: Ram R. Shukla

**COPY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 222313-1450

Certificate of Facsimile Transmittal

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark office, Facsimile No. on the date shown below ~~703-308-4242~~ on the date set forth below.

703-872-9307  
August 5, 2003  
Date of Signature and of Mail Deposit

By:

Cynthia L. Kanik  
Cynthia L. Kanik, Ph.D.  
Reg. No. 37,320  
Attorney for Applicants

REVOCATION OF PRIOR POWERS OF ATTORNEY  
AND APPOINTMENT OF NEW POWER OF ATTORNEY

Dear Sir:

Athersys, Inc., the Assignee of the entire right, title and interest in the above-identified application by virtue of the Assignment document recorded in the U.S. Patent and Trademark Office for U.S. Serial No. 09/276,820 on 2 July 1999 (reel 010064, frame 0420) hereby revokes all Powers of Attorney with respect to that application heretofore granted and appoints the below listed attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the Patent Office connected therewith.

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James E. Cockfield	Reg. No. 19,162	Maria C. Laccotripe Zacharakis	Limited Recognition
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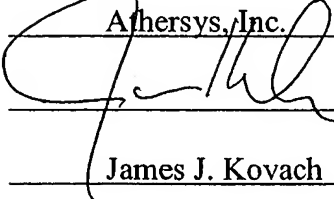
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By:   
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Title: Executive Vice President and COO  
Dated: 8/4/03